

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 2, 3 and 5 are pending in this application. Claim 4 has been newly cancelled. Claims 1, 2, 3 and 5 are currently amended.

Claim 1 has been amended by essentially incorporating the subject matter of claim 4 and part of claim 5, as well as the recitation of component "potassium chloride" being supported in the present specification including in all the Examples 1-12, starting at page 13, lines 11-12. Claim 4 has been accordingly cancelled.

No new matter has been added.

In response to the Examiner's objection to claim 1, concerning language antecedence, the applicant has accordingly amended claim 1 as shown above, pursuant to the Examiner's suggested language. Withdrawal of the objection is respectfully requested.

In response to the rejection of claim 2 under 35 USC 112, second paragraph, wherein the Examiner finds the recited amount "by weight" to be unclear, the applicant confirms that the Examiner has correctly assumed that the weight is relative to the total composition. Claim 2 has been accordingly amended, as shown above, to make this explicit. The applicant submits that all presently considered claims are allowable under Section 112, second paragraph. Withdrawal of this rejection is respectfully requested.

The applicant respectfully traverses the rejection of claims 1 and 2 under 35 USC 102(b) in view of Bramati et al. This reference does not anticipate the presently claimed invention or make it obvious.

Bramati discloses dispersing agents for solid plant protection formulations that include (a) at least one alkali or alkaline earth metal or ammonium lignosulfonate, and (b) at least one optionally sulfated, ethoxylated or ethoxylated-propoxylated di- or tri(1-phenylethyl)-phenol (see reference at column 2, lines 6-13).

Please note that claim 1 has been amended as shown above to recite and thus require the component of potassium chloride. As discussed above, potassium chloride is present in all of the exemplary compositions (Examples 1-12). In contrast, Bramati does not teach or suggest potassium chloride as a component of any composition. The presently claimed invention is not only allowable under Section 102(b) in view of Bramati but is further no obvious and allowable under Section 103(a) in view of Bramati.

To demonstrate the superior, new and unexpected results of the presently claimed invention, employing potassium chloride, the applicant performed comparative experiments which are described and the results presented in the attached Rule 132 Declaration.

The applicant asks the Examiner to carefully review the attached Rule 132 Declaration.

In the Rule 132 Declaration, the self-dispersibility of a composition representing the presently claimed invention, Sample 1, was compared to similar compositions. Please note that the compositions, Samples 1-4 were prepared and assessed for dispersibility in the same manner as that stated in the Rule 132 Declaration dated June 19, 2008 and filed in this application on June 27, 2008. Table 1 describes the components of Samples 1-4 and Table 2 shows the results of the dispersibility tests. Sample 1 is a composition of the presently claimed invention and Samples 2, 3 and 4 are comparative samples. The superior effect of including

potassium chloride as a component of the presently claimed invention can be determined by comparing the results of Sample 1 with those of Sample 3. Note that the Sample 1 composition has excellent properties of self-dispersibility, which did not occur with Sample 3. Additionally, the properties of Sample 1 are superior, new and unexpected to those of Sample 3 in other assessments such as 1) the number of tube inversions required for dispersion in water and 2) sediment volume.

Accordingly, the attached Rule 132 Declaration shows the superior, new and unexpected results of the presently claimed invention.

To reiterate, the presently claimed invention is no where disclosed suggested or made obvious by the teachings of Bramati. The applicant submits that not only is the presently claimed invention allowable under Section 102(b), but is further allowable under Section 103(a) in view of the cited art.

The applicant respectfully traverses the rejection of claims 1 and 2 under 35 USC 103(a) in view of Bramati et al. taken with Nakayama et al. These references does not make the presently claimed invention to be obvious.

The teachings of Bramati have been discussed above and the presently claimed invention clearly distinguished over the teachings of this reference. The teachings of Nakayama et al. do not remedy the deficiencies of Bramati.

Nakayama discloses liquid herbicide compositions containing carfentrazone-ethyl, an anionic surfactant, a water-soluble organic compound and water which are said to have good storage stability. However, Nakayama does not teach potassium chloride as a component and the applicants submits, a person of ordinary skill in the art would not in any event, be led to consulting Nakayama in view of Bramati. In particular, the applicant submits that a person of ordinary skill in the art would not find any teaching or suggestion in Nakayama et al. that would lead to combining the

teachings of Nakayama with the teachings of Bramati et al. to arrive at the presently claimed invention. There is no teaching, disclosure, motivation or reasonable expectation of success to combine the teachings of Nakayama with Bramati to result in the presently claimed invention. The applicant asserts that the present combination of references is not tenable and should accordingly be withdrawn.

Even if the teachings of the cited references are combined then such combination would not make the presently claimed invention to be obvious for the several reasons discussed above.

The applicant submits that the presently claimed invention is fully allowable under 35 USC 103(a) in view of the cited prior art.

The applicant respectfully traverses the rejection of claims 3-5 under 35 USC 103(a) over Bramati et al. in view of Nakayama et al. and in further view of Suzuki et al. These references does not make the presently claimed invention to be obvious.

The teachings of Bramati and Nakayama have been discussed above and the presently claimed invention clearly distinguished over the teachings of these references. The teachings of Suzuki et al. do not remedy the deficiencies of Bramati taken with Nakayama.

The Office Action refers to the Suzuki et al. teaching the combination of ingredients, tristyryl phenyl ether with polyoxyethylene and sodium ligninsulfonate. The applicant respectfully submits that these statements result from a misunderstanding of the content of the reference.

Indeed, "tristyryl phenyl ether" added thereon with ethylene oxide is used in Examples 1 to 3 in Suzuki. However, this compound is entirely different from "a polyoxyethylene tristyrylphenyl ether sulfate salt" or "a polyoxyethylene tristyrylphenyl ether phosphate salt"

of the presently claimed invention as, for instance, recited in present claim 1.

Please be aware that polyoxyethylene tristyrylphenyl ether sulfate salt and phosphate salt have sulfate or phosphate group which are covalently linked to polyoxyethylene tristyrylphenyl ether, while "tristyryl phenyl ether added thereon with ethylene oxide" does not have such a group.

As a result, the applicant asserts that a person of ordinary skill in the art would understand that there are significant differences in the actions of the compounds as an ingredient of the compositions.

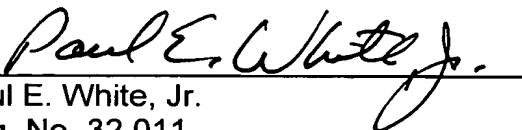
The applicant reiterates that the teachings of Suzuki et al. do not remedy the deficiencies of Bramati et al. taken with Nakayama et al.

The presently claimed invention is fully allowable under Section 103(a) in view of the cited references.

In view of the above and the attached Rule 132 Declaration, it is believed that this application is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

MANELLI DENISON & SELTER, PLLC

By 
Paul E. White, Jr.

Reg. No. 32,011

Tel. No.: (202) 261-1050

Fax No.: (202) 887-0336

2000 M Street, N.W.
Seventh Floor
Washington, D.C. 20036-3307
(202) 261-1000